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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,494	06/03/2005	Michael Vogt	09894.0007-00	4642
22852	7590	02/16/2007		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER KAYES, SEAN PHILLIP	
			ART UNIT	PAPER NUMBER
			2833	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/537,494		VOGT ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Sean Kayes		2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 6/3/2005, initial filling.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/1/2006</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 18 recites the limitation "the lever" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Drawings***

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figure 1 does not possess sufficient quality/clarity as to convey the necessary information. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 13-14, 16, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US 6579004.)

7. With respect to claim 13 Kim discloses a timepiece for selectively displaying the time in the 24 time zones, having

- a turning ring (5 figure 2) for selectively setting a time zone displayed on the turning ring,
- a mechanical transmission system (figures 7 and 8), which can be actuated with the turning ring, for adjusting a time display of an hour hand (column 3 lines 3-15), and
- a locking device (12 figure 7) for locking the turning ring.

8. With respect to claim 14 Kim discloses the timepiece as claimed in claim 13, wherein a coupling is provided for the engagement and disengagement of the transmission system (10 figure 8 and 8 figure 7 enable coupling of the transmission.)

9. With respect to claim 16 Kim discloses the timepiece as claimed in claim 13, wherein the transmission system (figure 8) can be engaged or disengaged by an actuation of the locking device (12 figure 7)

10. With respect to claim 25 Kim discloses the timepiece as claimed in claim 13, wherein a time corresponding to the desired time zone, in the setting of the time zone displayed on the turning ring, can be set to the 12 o'clock position.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 6579004) in view of Latini (US 6200019.)

13. With respect to claim 17 Kim discloses the timepiece as claimed in claim 13.

Kim does not disclose wherein the locking device has a lever for the selective locking/unlocking and/or engagement/disengagement of the turning ring.

Latini teaches a lever locking device for use in watertight watches with rotatable bezels.

At the time of the invention it would have been obvious to one skilled in the art to provide Kim's invention with Latini's locking device. The suggestion or motivation for

doing so would be to more securely lock the rotatable member and to better secure the device against water as taught by Latini.

14. With respect to claim 15 Kim discloses the timepiece as claimed in claim 14.

Kim does not disclose wherein the coupling comprises a clutch rocker.

Latini teaches a rocker for locking/unlocking the bezel.

At the time of the invention it would have been obvious to one skilled in the art to provide Kim's invention with Latini's rocker locking device including. The suggestion or motivation for doing so would be to more securely lock the rotatable member and to better secure the device against water as taught by Latini.

15. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 6579004) in view of Richardson (US 2013765.)

16. With respect to claim 15 Kim discloses the timepiece as claimed in claim 14.

Kim does not disclose wherein the coupling comprises a clutch rocker.

Richardson teaches a rocker for preventing rotation of the bezel in an undesirable direction.

At the time of the invention it would have been obvious to one skilled in the art to provide Kim's invention with Richardson's rocker device. The suggestion or motivation for doing so would be to more securely lock the rotatable member and to better secure the device against rotation as taught by Richardson.

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17. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 6579004) in view of Saleh (US 6379037.)

18. With respect to claim 18 Kim discloses the timepiece as claimed in claim 14.

Kim does not disclose wherein the lever, the locking device and the coupling are configured such that a locking of the turning ring is only released once the transmission system is engaged, and such that the turning ring is only locked once the transmission system is disengaged.

Saleh teaches rotating the turning ring only when the transmission system is engaged and locking the turning ring when the transmission is not.

At the time of the invention it would have been obvious to one skilled in the art to configure Kim's device such that the turning ring only rotates when the transmission is engaged as taught by Saleh. The suggestion or motivation for doing so would be to avoid accidental rotation of the turning ring as taught by Saleh.

19. Claims 13, 19-21, 23-25, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuinet (US 5742565) in view of Kim (US 6579004) and Latini (6200019.)

20. With respect to claim 13 Cuinet discloses a timepiece for selectively displaying the time in the 24 time zones, having

- a turning ring (26 figure 3)
- a mechanical transmission system (18 and 28 figure 4), which can be actuated with the turning ring, for adjusting a time display of an hour hand, and

Cuinet does not teach

- a locking device (12 figure 7) for locking the turning ring and
- wherein the turning ring is for selectively setting a time zone displayed on the turning ring.

Kim teaches using a turning ring to display and set time zones.

Latini teaches a locking device for locking a bezel.

At the time of the invention it would have been obvious to one skilled in the art to provide Cuinet's bezel with indicia indicative of time zones such that the bezel functions to set a time zone. The suggestion or motivation would be to indicate multiple time zones as taught by Kim.

At the time of the invention it would have been obvious to one skilled in the art to provide Cuinet's invention with a locking device as taught by Latini. The suggestion or motivation for doing so would be to allow the bezel to be locked as taught by Latini.

Another suggestion or motivation for doing so would be to better waterproof the device disclosed by Cuinet, as taught by Latini.

21. With respect to claim 19 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 13, wherein the turning ring (61 figure 8) has, on its bottom side, a gear rim (63 figure 8) for driving at least one minute wheel, connected by a shaft (18' figure 8) to a clutch wheel (59 and 64 figure 9), for moving at least one time display wheel.



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22. With respect to claim 20 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 19, further comprising a push-piece (59 figure 8) is provided, having a boss (64 figures 8 and 9) for engaging in the gear rim (63 figure 8.)

Cuinet does not teach locking the ring.

Latini teaches a locking device that interacts with the stem for locking a bezel.

At the time of the invention it would have been obvious to one skilled in the art to provide Cuinet's invention with a locking device as taught by Latini. The suggestion or motivation for doing so would be to allow the bezel to be locked as taught by Latini.

Another suggestion or motivation for doing so would be to better waterproof the device disclosed by Cuinet, as taught by Latini.

23. With respect to claim 21 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 19, wherein the time display wheel is a 12-hour or 24-hour display wheel (figure 3.)

24. With respect to claim 23 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 13, wherein the turning ring (26 figure 3) can be turned in the clockwise and in the counterclockwise direction and thus the hour hand (5 figure 3) is movable.

25. With respect to claim 24 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 13, wherein the turning ring (26 figure 3) can be latch-locked in accordance with the 24 time zones. (The turning ring can be disengaged from the correction means by

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movement of clutch 27 figure 3. The turning ring can be locked as modified in the rejection to claim 13 in view of Latini.)

26. With respect to claim 25 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 13, wherein a time corresponding to the desired time zone, in the setting of the time zone displayed on the turning ring (), can be set to the 12 o'clock position.

27. With respect to claim 27 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 13, wherein the turning ring (61 figure 8) can be set both to summertime and to wintertime. (The turning ring disclosed by Cuinet is for correcting the time to a desired time. It is capable of correcting for summer and/or wintertime.)

28. With respect to claim 28 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 19, wherein the mechanical transmission system has an additional wheel (40 and 41 figure 4 designate different wheels for engaging the bezel portion 39 figure 4) for engagement in a date display (column 4 lines 24-30 discuss wherein rotating the bezel while the stem is in the second axial position corrects the date display), so that, when a 24 h-threshold is breached, the date can automatically be advanced or put back by a turning of the turning ring.

29. With respect to claim 29 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 13, wherein a wheel train is provided, which can be actuated with the turning

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ring ( ), for setting an alarm function and/or for setting minutes and hours and/or for winding a mechanical clock movement and/or a chronograph function and/or for setting days and/or days of the week and/or month and/or years (column 2 lines 35-55.)

30. With respect to claim 30 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 13.

Cuinet does not teach wherein the timepiece is watertight.

Latini teaches a locking device for locking a bezel.

At the time of the invention it would have been obvious to one skilled in the art to provide Cuinet's invention with a locking device as taught by Latini. The suggestion or motivation for doing so would be to waterproof the device, as taught by Latini.

31. With respect to claim 31 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 13, wherein the time display has a 12-hour hand (5 figure 3) or a 24-hour hand.

32. With respect to claim 32 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 19, wherein a star rim (63 and 64 figure 8 and 9) is provided, having a number of teeth which determine a motional cycle of the time display wheel(s).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cuinet (US 5742565) in view of Kim (US 6579004) and Latini (6200019) in further view of Vaucher (US 5383165.)

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33. With respect to claim 22 Cuinet, Kim, and Latini teach the timepiece as claimed in claim 19.

Cuinet does not teach wherein, with the clutch wheel, two minute wheels are provided, for simultaneously moving a 12 and a 24 time display wheel.

Vaucher teaches simultaneously moving a 24 hour display and a 12 hour display.

At the time of the invention it would have been obvious to one skilled in the art to modify Cuinet's clutch to simultaneously move a 12 and 24 hour display. The suggestion or motivation for doing so would be to indicate time in a traditional 12 hour display and display time in all the 24 hour time zones as taught by Vaucher.

34. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 6579004) in view of Marin (US 7134784.)

35. With respect to claim 26 Kim discloses the timepiece as claimed in claim 13. Kim does not disclose wherein the turning ring has a main part and an exchangeable turning ring insert.

Marin discloses a rotatable bezel with an interchangeable faceplate.

At the time of the invention it would have been obvious to one skilled in the art to provide Kim's bezel with an interchangeable faceplate as taught by Marin. The suggestion or motivation for doing so would be to allow the user to easily replace and update the appearance of the watch as taught by Marin.

***Conclusion***

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
37. Chen (US 5708628) teaches a system for marking daylight saving time rules (summer time and winter time) on a time zone watch.
38. Liao (US 5524102) teaches a global timepiece with a 12 and a 24 hour display.
39. Mouawad (US 6679624) teaches a locking device for a correction means.
40. Hafner (US 4253177) teaches a bezel operated time correction means.

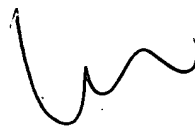
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Paula can be reached on (571) 272-2001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK  
2/8/2007

  
Primary Examiner